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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO ANTONIO SALCIDO,

Defendant.

CASE NO. 1:21-CR-00127-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for Status Conference on July 12, 2023.
2. By this stipulation, defendant now moves to continue the case and set a status conference on September 13, 2023, at 1:00 p.m., and to exclude time between July 12, 2023, and September 13, 2023, at 1:00 p.m., under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, videos, photographs, and the recorded statement of the defendant. All of this discovery has been produced directly to counsel and/or made available for inspection.
 - b) The defendant filed a motion to suppress on July 6, 2022. Docket No. 26. The

1 government filed its response on May 22, 2023. A hearing on the motions is scheduled for July
2 11, 2023.

3 c) Counsel for defendant desires additional time to review discovery, conduct
4 investigation and research related to the charges, conduct research into any mitigating factors,
5 consult with his client, discuss a potential plea with the government following the hearing on the
6 motion, and to otherwise prepare for trial.

7 d) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of July 12, 2023 to September 13,
16 2023, at 1:00 p.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)
17 [Local Code T4] because it results from a continuance granted by the Court at defendant's
18 request on the basis of the Court's finding that the ends of justice served by taking such action
19 outweigh the best interest of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 IT IS SO STIPULATED.
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1 Dated: July 3, 2023

PHILLIP A. TALBERT
United States Attorney

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3 /s/ ANTONIO J. PATAKA
ANTONIO J. PATAKA
Assistant United States Attorney

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6 Dated: July 3, 2023

/s/ TIMOTHY P. HENNESSY
TIMOTHY P. HENNESSY
Counsel for Defendant
MARIO ANTONIO SALCIDO

ORDER

IT IS SO ORDERED that the status conference is continued from July 12, 2023, to **September 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **July 5, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE